

## **REMARKS**

### **INTRODUCTION**

In accordance with the foregoing, claims 2-3 and 5 have been amended and new claims 6-8 have been added. Claims 1-8 are pending and under consideration. Claims 1, 2 and 4 are rejected. Claims 3 and 5 are objected to.

### **PRIORITY**

The Examiner is thanked for pointing out the Application Number of the submitted document. The Examiner is hereby advised that the Applicant is in the process of obtaining a certified copy of JP 2002-332369.

### **REJECTIONS UNDER 35 U.S.C. §102:**

*Claims 1-2 and 4 are rejected under 35 U.S.C. §102(e) as being anticipated by Arnold.*

Claim 1 is amended herein to recite "the second EGR passage being branched out on an upstream side of the exhaust gas purifying apparatus". This feature is illustrated, for example, in present FIG. 1. In contrast, Arnold discloses branching of an exhaust gas passage is made at a point on a downstream side of the emission controller 5.

Accordingly, withdrawal of the rejection is requested.

### **NEW CLAIMS**

Independent claims 5, 7 and 8 recite features somewhat similar to features recited in independent claims 1, 3 and 5.

### **CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is


requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935..

Respectfully submitted,

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Date: 29 JUNE 2004

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